

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.2805 OF 2006**

The State of Maharashtra

...Applicant

vs.

Hanumant Ramdas Chavan & Anr.

...Respondents

Mr.A.S.Shitole,A.P.P. for the Applicant-State
Ms Shakuntala Mudbidri for Respondent Nos.1 to 5.

**CORAM: A.S.OKA,J.
DATE : SEPTEMBER 7,2006.**

P.C.:

1. Heard learned A.P.P. for State. The learned Trial Judge has acquitted the Respondents of the offence punishable under section 498-A of the Indian Penal Code. After having heard the learned A.P.P. for State and after perusing the impugned Judgment and Order, I find that no case is made out for grant of leave.

2. The evidence on record discloses that the allegations made by the complainant of guilt are for the period up to 14th August 2000. It seems to be an admitted position that on 14th August 2000 the complainant was very much at her parent's house. P.W.No.6 Tanaji has deposed that on 14th August 2000 there was a talk in his presence in the house of the parents of the complainant about the lodging of complaint against the accused. He has deposed that at that time it was agreed that P.W.No.6 Tanaji should remain present at the police station at the time of lodging the F.I.R. by the complainant. It is

pertinent to note that the F.I.R. was lodged on 28th September 2000. Considering the fact that from 14th August 2000 the complainant was at her parents house, the learned Trial Judge has considered the delay of more than one and half month as vital. P.W.No.7 has deposed that the complainant was under her treatment till 11th September 2000. Considering all these facts the learned Trial Judge came to the conclusion that there was an opportunity available to the complainant to concoct the prosecution case. In this context, the learned Trial Judge has observed that no independent witness has been examined by the prosecution. The learned Trial Judge has considered and tested the evidence of the prosecution witnesses and has come to the conclusion that the guilt of the Respondents is not established. The view taken by the learned Trial Judge is a possible view which could have been taken on the basis of material on record. No case is made out for grant of leave. Application is rejected.

JUDGE